

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1-18 and 20, 21 and 23-32 were previously pending in this application. Claims 1-18 have been rejected and Claims 20, 21 and 23-32 have been allowed. By way of the proposed amendment Claim 1 has been amended and new Claims 43 and 44 have been added. Accordingly, Claims 1-18 and 20, 21, 23-32, 43 and 44 are now pending in this application.

Rejections Under 35 U.S.C. § 103(a)

Within the previous Office Action, Claims 1-7, 9-11, 13-16 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,795,153 to Rechmann (hereafter “Rechmann”) in view of U.S. Patent No. 6,506,563 to Ward et al. (hereafter “Ward et al.”); Claims 8 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rechmann, in view of Ward et al., and further in view of U.S. Patent No. 6,019,505 to Myers (hereafter “Myers”); and Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rechmann, in view of Ward et al., and further in view of U.S. Patent 6,462,070 to Hasan et al. (hereafter “Hasan et al.”). The rejections of Claims 1-18 under 35 U.S.C. § 103(a), cited above, are considered moot in view of the above amendment.

Claim 1 has now been amended to recite a method of treating a pathogen within an oral cavity, the method comprising testing for the presence of one or more pathogens within the oral cavity with a culture, selecting pulsed laser light with a wave length corresponding to an absorption spectrum of the pathogen and irradiating target tissue within the oral cavity with pulsed laser light having an energy of 10 Joules/cm² or greater per pulse, wherein the pulsed laser light penetrates into the target tissue to a distance of 1.0 mm or greater and eradicates at least a portion of the pathogen within the target tissue.

Prior art of record does not teach the combination of features including testing with a culture for a pathogen, selecting the pulsed laser light with a wavelength corresponding and absorption spectrum of the an identified pathogen and eradicating pathogen with the pulsed laser light within the oral cavity to an “effective depth” of 1.0 mm or greater within the target tissue. These and other distinguishing features are now recited in the independent Claim 1.

Claims 2-18 all depend on the independent Claim 1. As described above, the independent Claim 1 is now in condition for allowance. Accordingly, Claims 2-18 are also all allowable as depending from an allowable base claim.

For the reasons given above, Applicant respectfully submits that Claims 1-18, 20, 21, 23-32, 43 and 44 are now in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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